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Attorneys for Defendant
Receiver J. Clark Kelso

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MEDICAL DEVELOPMENT
INTERNATIONAL, a Delaware corporation,

Plaintiff,

v.

THE CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION;
J. CLARK KELSO, in his capacity as receiver,
and DOES 1 through 20, inclusive,

Defendants.

Case No. CV 10-000443 TEH

**STIPULATION FOR ORDER AND
~~PROPOSED~~ ORDER CONTINUING
CASE MANAGEMENT CONFERENCE
SCHEDULED FOR MARCH 7, 2011 TO
APRIL 11, 2011**

Hon. Thelton E. Henderson

Pursuant to Civil L.R. 7-12 and 16-2(e) and Paragraph Four of this Court's Standing Order, the parties, by and through their respective counsel, Watt, Tieder, Hoffar & Fitzgerald, LLP for Plaintiff Medical Development International ("MDI"), Futterman Dupree Dodd Croley Maier LLP for Defendant J. Clark Kelso, in his capacity as the Receiver, ("Receiver"), and the California Office of the Attorney General for Defendant California Department of Corrections and Rehabilitation ("CDCR"), stipulate for an Order continuing the case management conference, currently set for March 7, 2011, to April 11, 2011 at 1:30 p.m. This stipulation is based on the following facts:

1. The parties participated in a mediation session on February 14, 2011. While the case was not resolved on that date, the parties are continuing their negotiations through the

1 mediator and would like additional time to complete the mediation prior to the scheduled case
2 management conference.

3 2. As reported in the last case management conference statement, if the mediation is
4 unsuccessful, the parties anticipate that the scope of this case will require expanding the limits of
5 discovery. For example, based on the information gathered thus far, the Receiver anticipates
6 needing to take at least 25 fact depositions. In addition, defendants intend to address with
7 plaintiff and the Court the possibility of staging such discovery around potentially dispositive
8 motions.

9 3. Given the complexity and cost of scheduling such discovery and possible motions,
10 rather than dedicate the resources to exploring these issues now, the parties request that the case
11 management conference be postponed one month to allow time for the parties to complete the
12 mediation process.

13 4. Accordingly, the parties stipulate for an Order continuing the case management
14 conference currently scheduled for March 7, 2011, to April 11, 2011 or as soon thereafter as the
15 Court may deem appropriate.

16 **SO STIPULATED.**

17 Dated: February 18, 2011

FUTTERMAN DUPREE
DODD CROLEY MAIER LLP

18 By: /s/ Jamie L. Dupree
19 Jamie L. Dupree
20 Attorneys for Receiver J. Clark Kelso

21 Dated: February 22, 2011

EDMUND G. BROWN, JR.
Attorney General of California
ZACKERY P. MORAZINNI
Supervising Deputy Attorney General

22 By: Michelle M. Mitchell *(JL)*
23 Michelle M. Mitchell
24 Deputy Attorney General
25 Attorneys for California Department of Corrections
26 and Rehabilitation
27
28

1 Dated: February 22, 2011

WATT, TIEDER, HOFFAR & FITZGERALD LLP

2 By: Garrett E. Dillon J 2 17.

3 Bennett J. Lee
4 Garrett E. Dillon
5 Sara K. Hayden

Attorneys for Plaintiff Medical Development
International

6 **[PROPOSED] ORDER**

7 Based on the foregoing stipulation of the parties, it is hereby ORDERED that the case
8 management conference currently set for March 7, 2011 be and hereby is continued to April 11,
9 2011 at 1:30 p.m.

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11
12 Dated: 02/23, 2011

